

REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application. Applicants appreciate that all rejections made under 35 USC §102(b) have been withdrawn. Regarding the restriction requirement, again, Applicants confirm the election of the process claims. Again, Applicants believe that all claims of record may be considered by the Examiner without serious burden. Applicants will consider canceling claims 11-16 upon an indication that the remaining claims are in condition for allowance.

I. Rejection Under 35 USC §102(b)

The Examiner has now rejected claims 1-5 and 7-9 under 35 USC §103 as being unpatentable over Glacino, U.S. Patent No. 3,519,437 (hereinafter, '437); and Poiger et al., U.S. Patent No. 4,194,017 (hereinafter, '017); Heyland et al., U.S. Patent No. 4,879,130 (hereinafter, '130) and Ter Braak, U.S. Patent No. 5,962,061 (hereinafter, '061).

In the rejection, the Examiner mentions, in summary, that the '437 reference discloses a process for preparing a flavoring mix comprising heating reactants with water. The Examiner further mentions that the '017 reference discloses a process for preparing a flavored base comprising heating reactants with water for 0.5 to 5 minutes to a temperature in the range from 100 to 200°C. The Examiner relies on the '130 reference for disclosing a process for preparing a flavoring agent by heating reactant with water for 30 seconds to 30 minutes at a temperature of 80°C to 140°C. Finally, the Examiner relies on the '061 reference and mentions that the same discloses a

process for preparing a flavoring mix comprising heating reactants with water. The Examiner believes that the water content reduction would be inherent and/or obvious. Finally, the Examiner believes that the use of a vending machine is nothing more than a selection of choice. In view of this, the Examiner believes that the obviousness rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position, again, that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, the present invention, as set forth in independent claim 1, is directed to a process for preparing a flavoring mix whereby the process comprises heating from about 10 mg to about 10 g of a composition comprising a carbohydrate source and a nucleophilic species and at least 20% by weight water to a temperature of 100°C to 250°C and reducing the water content of the composition during heating to less than 5% by weight within one (1) minute after the heating has started whereby the process is carried out in a food vending machine.

The process of claim 1 is further defined by the dependent claims which claim, among other things, that the carbohydrate may comprise sugar, that the nucleophilic species can comprise biogenic amines, amino acids, sources of amino acids, hydrolyzed vegetable protein, yeast extracts, yeast hydrolysates, soy sauces or mixtures thereof. Still further, the independent claim is further defined such that the composition can comprise sugar and an amino acid or a source of sugar and a source of amino acid, and that the composition may be a homogeneous solution, and that the water content of the composition may be reduced to less than 5% by weight within 20 seconds after

heating has started, and that the temperature range of the heating step can be from 100°C to 200°C, and that a buffer solution may be employed. New claims 17-19 further define claim 1 by identifying the flavors produced and the time such flavors are produced, and by characterizing the process as one which generates sulphur-containing reaction products.

In contrast, and as already made of record, the '437 reference is merely directed to meat flavor compositions. In the '437 reference, edible food compositions having two amino ethane sulphonic acid and thiamine are heated. Examples X and XI are directed to bouillon cubes and chicken flavored gravy, respectively. Examples X and XI, which the Examiner relies on, teach that a bouillon cube can be made and "transformed" into a gravy by boiling and simmering with water for two minutes. The '017 reference is directed to a process for the production of a flavoring product reminiscent of meat in taste. The process comprises diluting a yeast autolysate with at least the same quantity by weight of water. Subsequent to adding water, insoluble salts are precipitated by heating the diluted autolysate at a pH value in the range from about 7 to 8.5 wherein a residual solution is treated to have a dry matter content of 75 to 85%. Reaction product is prepared in a double-jacketed stirrer-equipped boiler (please see Examples).

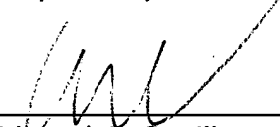
The '130 reference is directed to a flavoring agent that is produced by subjecting a mixture of free amino acids, sugar and water to kneading and heat to produce a mixture that is plasticized. The resulting plasticized mixture is propelled through an extrusion unit under pressure and heated for a time to react the mixture. The '061 reference, again, is merely directed to a process and apparatus for the production of confectionery mass. Components of milk proteins, sugar, glucose, fat and water are homogenized under controlled pressure and temperature and transferred to a scrap surface rotor cooker to produce the desired mass.

None of the references relied on by the Examiner, taken alone (or in any viable combination), even remotely teach, suggest or disclose the important and critical limitations set forth in the presently claimed invention, as amended. None of the references relied on by the Examiner describe heating a carbohydrate source and nucleophilic species and at least 20% by weight of water to a temperature of 100°C to 250°C followed by reducing the water content of the composition during heating to less than 5 wt. % within one (1) minute after the heating has started. Moreover, none of the references, in any viable combination, suggest that the process may take place in a food vending machine and that Maillard products may be produced within the same and on demand. Since all the important and critical limitations set forth in the presently claimed invention, as amended, are not found in a single prior art source or in the combination of references mentioned by the Examiner, the rejection made under 35 USC §103 is improper and must be withdrawn.

Applicants respectfully submit that all claims of record are now in condition for allowance. Reconsideration and favorable action are earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, she is kindly invited to contact the undersigned at her earliest convenience.

Respectfully submitted,



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